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CASTEL, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ACADEMY OF MOTION PICTURE ARTS AND SCIENCES, a California nonprofit corporation, Plaintiff, -against- PROPS FOR TODAY, INC., a New York corporation; and DOES 1-10 inclusive, Defendants.	1:06-cv-01560-PKC **CONSENT JUDGMENT AND PERMANENT INJUNCTION AS TO PROPS FOR TODAY, INC.**

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CHAMBERS OF
P.KEVIN CASTEL
U.S.D.J.

IT IS HEREBY AGREED by and between plaintiff Academy of Motion Picture Arts and Sciences ("Academy"), on one hand, and defendant Props For Today, Inc. ("PFT"), a New York corporation, on the other hand, that judgment be entered in the above-entitled action as set forth below.

The Academy asserts, and PFT will not dispute, that the Academy has registered its Academy Award of Merit, commonly known as the "Oscar," with the Copyright Office of the United States of America pursuant to Certificate of Registration No. G 38512 and has renewed the registration of its copyright pursuant to Certificate of Registration of a Claim to Renewal of Copyright No. R 443432. The Academy's copyright is valid and subsisting. The Academy further asserts, and PFT will not dispute, that the Academy has registered a two-dimensional depiction of the "Oscar" with the Patent and Trademark Office of the United States of America as both a trademark and service mark pursuant to Certificate of Registration Nos. 1,028,635, 1,895,980, 1,960,182 and 2,112,107 and that the above "Oscar" design mark is valid, subsisting, incontestable and famous. Still further, the Academy asserts, and PFT will not dispute, that the

Academy has registered the word mark OSCAR as both a trademark and a service mark pursuant to Certificates of Registration Nos. 1,096,990, 1,118,751, 1,996,585 and 2,021,582. The "Oscar®" marks are valid, subsisting and incontestable.

The Academy wishes to ensure that its copyright, trademarks and service marks are protected to the full extent allowed by the law. PFT has no interest in infringing upon the Academy's rights and agrees to be permanently enjoined from engaging in conduct which would so infringe.

WHEREFORE, it is hereby ordered, adjudged and decreed as follows:

1. This Court has jurisdiction over this action for copyright infringement, trademark infringement, false representation, and dilution under 28 U.S.C. §§ 1331, 1332 and 1338, and 15 U.S.C. § 1121. This Court has jurisdiction over the Academy and PFT and retains such jurisdiction for the purposes of any contempt proceeding or other enforcement action stemming from this action.

2. The "Oscar" statuette and "Oscar" design mark are famous and have a strong secondary meaning identifying them as emanating from or associated with the Academy.

3. Pursuant to 17 U.S.C. § 502 and 15 U.S.C. § 1125(c), PFT, as well as all persons acting under the direction, control, permission, or authority of PFT, or any of them, and all persons acting in concert therewith, are enjoined permanently, on a worldwide basis, from:

(i) Copying, circulating, distributing, advertising, importing, renting, returning, selling, offering for sale, or transferring (except as set forth herein) any item consisting of or containing any facsimile, copy, replica, reproduction, picture, colorable imitation, or depiction of the Academy Award of Merit, also known as the "Oscar," registered by the Academy pursuant to Certificate of Copyright Registration No. G 38512 and Claim to Renewal of Copyright Registration No. R 443432 and pursuant to Certificates of Registration Nos. 1,028,635, 1,895,980, 1,960,182, 2,112,107, to any person or establishment, including retail stores and the public, through direct sales, catalogs, trade shows, the Internet, and showrooms or otherwise, including but not limited to its "STATUE-5FT-OSCAR-GOLD" (the "Prop Oscars");

(ii) Using the OSCAR® word mark, registered by the Academy pursuant to Certificates of Registration Nos. 1,096,990, 1,118,751, 1,996,585 and 2,021,582, in connection with its goods and/or services;

(iii) Using any false designation of origin or false description or performing any act, which can, or is likely to, lead the public or individual members thereof to believe that any product manufactured, distributed, sold, offered for sale, rented, displayed, transferred or advertised by PFT is in any manner associated or connected with the Academy;

(iv) Engaging in any other activity infringing the Academy's copyright, trademark, or trade dress rights in its "Oscar" statuette or OSCAR® word mark or otherwise competing unfairly with the Academy; and

(v) Assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (i) through (iv) above.

4. Pursuant to 15 U.S.C. §§ 1114 and 1118, PFT, as well as all persons acting under the direction, control, permission, or authority of PFT, or any of them, and all persons acting in concert therewith, immediately destroy, and provide the Academy with a certificate of the same, or deliver up to the Academy for destruction, all remaining inventory of the Prop Oscars and all other infringing products and all signs, prints, packages, wrappers, literature, and advertisements in its, and any of their, possession bearing any reproduction,

counterfeit, copy or colorable imitation of the "©Oscar®," whether in two- or three-dimensional form, or "Oscar®" marks, and all devices, plates, molds, matrices, and other means of making the same.

5. Each party shall bear its own costs and attorneys' fees incurred herein except as otherwise provided in the parties' settlement agreement.

And that judgment be entered in favor of the Academy of Motion Picture Arts and Sciences and against PFT accordingly.

DATED: New York, New York
April 17, 2006

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DATED: New York, New York
April 13, 2006

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Attorneys for Defendant Props For Today, Inc.

ORDER

IT IS SO ORDERED AND JUDGMENT IS ENTERED AGAINST PROPS FOR TODAY, INC. ACCORDINGLY.

DATED: April 25, 2006

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HON. P. KEVIN CASTEL
UNITED STATES DISTRICT COURT JUDGE